

1 KENNETH B. WILSON, State Bar No. 130009
kwilson@perkinscoie.com
2 DIETER H. HELLMOLDT, State Bar No. 221498
dhellmoldt@perkinscoie.com
3 PERKINS COIE LLP
Four Embarcadero Center, Suite 2400
4 San Francisco, California 94111-4131
Telephone: (415) 344-7000
5 Facsimile: (415) 344-7050

6 Attorneys for Defendants
SIMMONS BEDDING COMPANY
7 and DREAMWELL, LTD.

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**

11
12 ZINUS, INC.,
a California corporation,

13 Plaintiff,

14 v.

15 SIMMONS BEDDING COMPANY,
16 an Delaware corporation, and
DREAMWELL, LTD., a limited liability
17 company of Nevada

18 Defendants.

CASE NO. 07-CV-03012-PVT

**DEFENDANTS' MOTION FOR
ENLARGEMENT OF TIME TO
RESPOND TO COMPLAINT**

The Honorable Patricia V. Trumbull

19
20 Pursuant to Civil Local Rule 6-3, defendants Dreamwell, Ltd. and Simmons Bedding
21 Company (collectively referred to as "Defendants") hereby move for an enlargement of time to
22 respond to the Complaint in this action, from the current deadlines of July 12 and July 17
23 respectively to a common date of August 8, 2007. Defendants' motion is made on the grounds
24 that counsel for Defendants was only selected to handle this case last week; that there is
25 insufficient time to investigate and analyze the personal jurisdiction, subject matter jurisdiction,
26 patent infringement, and other factual and legal issues raised by the Complaint, as required by
27 Federal Rule of Civil Procedure 11, by the current response deadlines; and that lead counsel for
28 Defendants is on vacation this week, and will be unable to conduct the required investigation and

1 prepare an appropriate response before the beginning of August. This extension is the first time
2 modification requested in this action, and if granted, it will not impact any of the other
3 scheduling or deadlines in this case.

4 Defendants' motion is based on the supporting Declaration of Kenneth B. Wilson in
5 Support of Defendants' Motion for Enlargement of Time to Respond to Complaint ("Wilson
6 Declaration"), and the [Proposed] Order Granting Defendants' Motion for Enlargement of Time
7 to Respond to Complaint. The facts necessitating the requested extension are set forth in detail
8 in the supporting Wilson Declaration.

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10 Date: July 10, 2007.

PERKINS COIE LLP

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12 By: /s/
Kenneth B. Wilson

13 Attorneys for Defendants SIMMONS
14 BEDDING COMPANY and
15 DREAMWELL, LTD.
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